

NORTHERN TERRITORY OF AUSTRALIA
Section 38(1)(h) – Pastoral Land Act (NT)

CONSENT TO CLEAR PASTORAL LAND

PERMIT NUMBER: PLC16/2

I, RICHARD GALTON, Chairman, Pastoral Land Board

GRANT TO: Paul Herrod Investments Pty Ltd (ACN 053 499 022) and each Pastoral Lessee from time to time (collectively “the **Permit Holders**”) in respect of Perpetual Pastoral Lease No 1165 (“**PPL**”) which relates to NT Portion 3047,

A PERMIT TO CLEAR PASTORAL LAND (“the **Permit**”), for the area within NT Portion 3047 (being part of the PPL) which is more particularly depicted in the Endorsed Clearing Plan contained at Schedule 1 of this Permit,

COMMENCING: on the date of this Permit and expiring on the Expiry Date (“the **Term**”),

SUBJECT TO: the Schedule of Conditions contained at Schedule 2 of this Permit, and I

CONSENT TO THE PERMIT HOLDERS:

Undertaking the clearing of approximately 1232 hectares of native vegetation for the purposes of planting improved pasture (“the **Clearing Activities**”).

PROVIDED THAT:

The Permit Holders must Substantially Commence the Clearing Activities within the Commencement Period and (subject to the Pastoral Land Board granting an extension of the Expiry Date) complete the Clearing Activities by the Expiry Date, otherwise this Permit will expire upon the expiry of the Commencement Period or upon the Expiry Date (as the case may be).

EXTENSION OF TERM OF PERMIT:

The Permit Holders may apply to the Pastoral Land Board for an extension of the Term of this Permit, provided that:

- i. the Permit Holders have Substantially Commenced the Clearing Activities within the Commencement Period; and
- ii. the application for extension is submitted to the Pastoral Land Board in the approved form at least one (1) year before the Expiry Date.

The Pastoral Land Board may, in its absolute discretion, grant or reject the request, or grant the request subject to conditions.

REASONS FOR DECISION:

- A. On 1 October 2015, Mr Ian Lancaster on behalf of Paul Herrod Investments Pty Ltd (ACN 053 499 022), submitted the Original Application to the Pastoral Land Board, requesting consent to clear pastoral land under section 38(1)(h) of the *Pastoral Land Act* (NT).
- B. In response to feedback from Northern Territory Government agencies and authorities, the Lessee submitted the Amending Documents on 24 January 2016.
- C. On the basis of the information contained in the Original Application and the Amending Documents, the Pastoral Land Board is satisfied that it is appropriate to issue this Permit.

DATED 24th February 2016



Chairman
Pastoral Land Board

DEFINITIONS:

In this Permit:

“Commencement Period” means the period of two (2) years of the date of this Permit.

“Expiry Date” means the period of six (6) years from the date of this Permit.

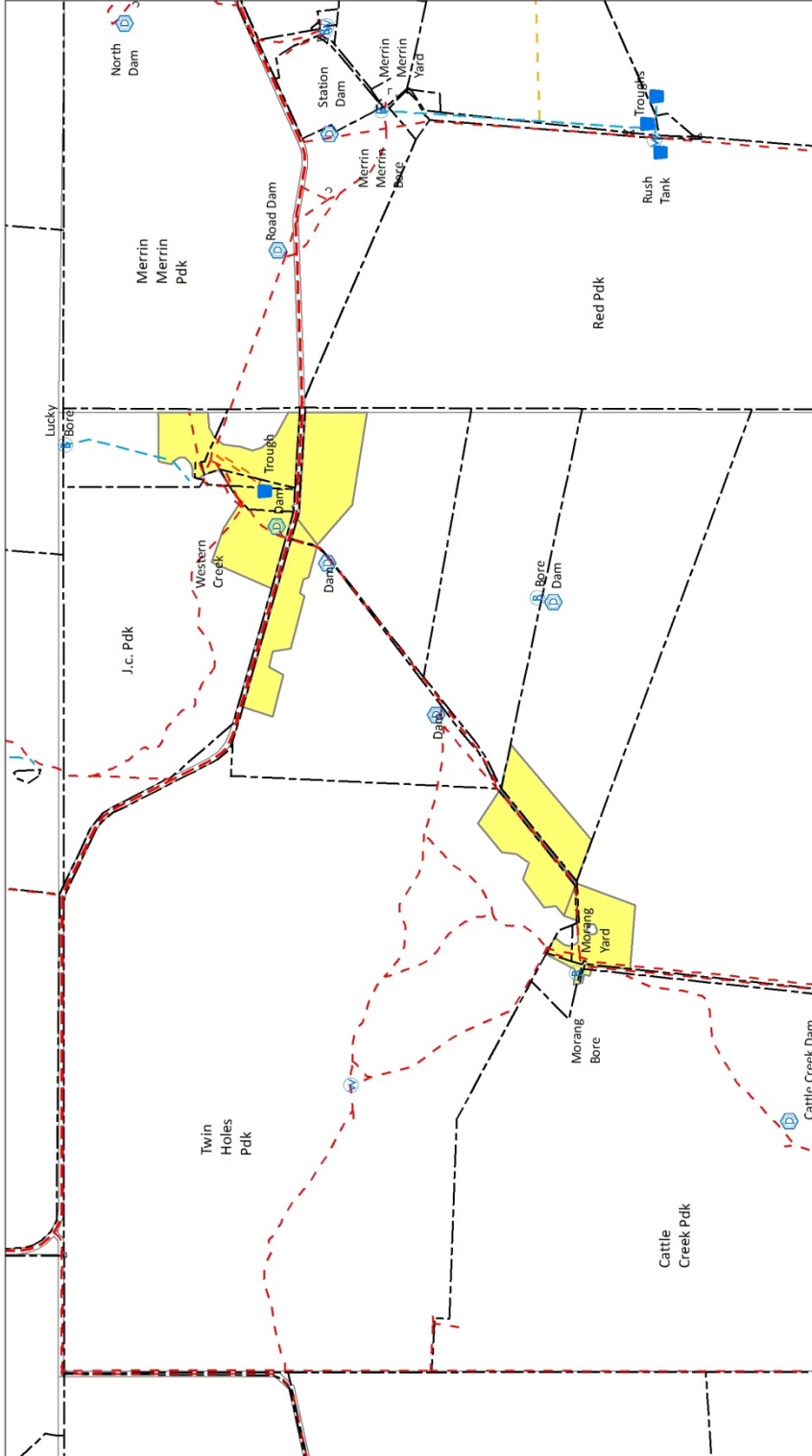
“Original Application” means the document entitled “*Application to Clear Pastoral Land (s 38(1)(h) Pastoral Land Act)*” submitted 1 October 2015.

“Amending Documents” means the documents titled “*Reply Letter*”, “*Application to Clear Pastoral Land V2*” and “*Western Creek Proposed Clearing Revised Jan 2016*”, submitted 24 January 2016.

“Pastoral Lessee” has the same meaning as in the *Pastoral Land Act*.

“Substantially Commenced” and “Substantially Commence” means not less than 10% of the total area proposed for clearing under this Permit has been cleared.

SCHEDULE 1 AREA OF LAND



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Map compiled 07 March 2016

LEGEND

- Approved Clearing Areas
- Transport - Vehicle Track
- Cultural - Fenceline

0 2 4 6
Kilometres

Horizontal Datum: Geocentric Datum of Australia (GDA94)

For further information, please contact:
Pastoral Lease Branch
Department of Land Resource Management (DLRM)
 Address: PO Box 496, Darwin NT 0831.
 Phone: (08) 8959 4667 Fax: (08) 8959 4403
 Web: www.nt.gov.au

DATA SOURCE:
 Pastoral - DLRM
 Cadastre/Roads/Placenames -
 Dept Lands Planning and Environment
 Drainage - 1:250,000 Geoscience Australia

Western Creek
Approved Land Clearing

SCHEDULE 2 SCHEDULE OF CONDITIONS

1. The clearing, clearing methods, pasture establishment, ongoing pasture and grazing management and ongoing environmental management (including erosion and sediment control) of cleared areas must be undertaken:
 - a. in accordance with the Original Application;
 - b. in accordance with the Endorsed Clearing Plan; and
 - c. to the satisfaction of the Pastoral Land Board.
2. The Permit Holder is required to ensure land management practices do not instigate erosion and to ensure that appropriate erosion and sediment control measures are employed throughout the development and establishment stages, including:
 - a. retention of buffer zones where appropriate and measures to address seasonal timing of works;
 - b. management of groundcover and minimisation of bare ground, crop layout and maintenance of natural sheet flow patterns;
 - c. avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff; and
 - d. use of erosion controls on access tracks where appropriate.
3. The Permit Holder must notify the Director Pastoral Lease Administration and Board, Department of Land Resource Management before the commencement of each stage of clearing and on completion of the clearing as outlined in the Original Application.
4. This Permit is subject to the Permit Holder's ongoing compliance with its obligations under the PPL.
5. Despite any term or condition of this Permit, the Permit Holder must at its own cost in all respects, comply with all laws, statutes and subordinate instruments, applicable to the clearing of pastoral land including but not limited to the following:
 - a. *Northern Territory Aboriginal Sacred Sites Act (NT)*;
 - b. *Territory Parks and Wildlife Conservation Act (NT)*;
 - c. *Weeds Management Act (NT)*;
 - d. *Bushfires Act (NT)*;
 - e. *Heritage Act (NT)*;
 - f. *Environmental Assessment Act (NT)*; and
 - g. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.
6. This Permit is at all times subject to existing rights, title and interests of all other persons (including any rights or interests registered on the certificate of title). The Permit Holder must comply with all terms and conditions of such existing rights, title and interests. The Permit Holder must not unreasonably or unduly interfere with, impede, restrict or limit the rights, title or interests of any person.
7. This Permit shall be revoked automatically upon the:
 - a. termination of the PPL; or
 - b. surrender of the PPL.

For the avoidance of doubt, a transfer of the PPL does not revoke this Permit.

8. The Pastoral Land Board may immediately revoke this Permit by written notice to the Permit Holder if the Permit Holder breaches any condition of this Permit and fails to remedy the breach within ninety (90) days after receiving notice requiring it to do so.

NOTES

1. Under the *Northern Territory Aboriginal Sacred Sites Act* (NT), entry onto and carrying out of work on Aboriginal sacred sites is an offence unless the work is done in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority (“**AAPA**”). The Permit Holder must ensure that all clearing complies with the requirements of that Act.
2. The Permit Holder is advised that there are statutory obligations under the *Weeds Management Act* (NT) to take all practical measures to manage weeds on the property. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. For advice on weed management please contact the Regional Weeds Officer, Department of Land Resource Management (“**DLRM**”) on telephone 8999 4567. The Permit Holder can also access information on the requirements of that Act on DLRM’s website (<http://www.lrm.nt.gov.au/>)
3. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act* (NT). A permit must be obtained before ignition of any felled timber in this area. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. Please contact the Regional Fire Control Officer of the DLRM on telephone (08) 8976 0098. The Permit Holder can also access information on the requirements of that Act on DLRM’s website (<http://www.lrm.nt.gov.au/>)
4. The *Heritage Act* (NT) protects archaeological places and objects, regardless of the level of documentation that the Department of Lands, Planning and the Environment (Heritage Branch) (“**DLPE**”) has of such sites. It is an offence to undertake work on a heritage place or object without first obtaining the relevant approval under the Act. It is the responsibility of the Permit Holder to ensure that all clearing complies with the requirements of that Act. The Permit Holder can access information on the requirements of that Act on DLPE’s website (<http://dlp.nt.gov.au/heritage/heritage-act>).
5. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environmental Assessment Act* (NT). The Northern Territory Environment Protection Authority (“**NTEPA**”) administers that Act. The Permit Holder can access information on the requirements of that Act on NTEPA’s website (<http://www.ntepa.nt.gov.au/>).
6. It is the responsibility of the Permit Holder to ensure that the proposal to clear pastoral land meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The Commonwealth Department of Environment (“**DoE**”) administers that Act. The Permit Holder can access information on the requirements of that Act on DoE’s website (<http://www.environment.gov.au/epbc/index.html>).
7. Pursuant to section 119 of the *Pastoral Land Act*, a pastoral lessee who is dissatisfied with a decision of the Pastoral Land Board may appeal to the Pastoral Land Appeal Tribunal against the decision of the Board.